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then, but I kept my foot in the area, on it, and then when I saw I wasn't getting as -- getting as far away as I wanted to be and I saw I was getting too close to her, I just put my hands on the wheel, held onto them and stomped on my brake and said help me Jesus, that's all. I saw -- I didn't like how close I was getting.

10

Q. Let's talk about the first time you put your foot on the brake. Did your vehicle change the speed it was going the first time you put your foot on the brake?

14

A. It slowed, but not to my satisfaction.

15

Q. How far were you from the red vehicle when you first did that?

17

A. About almost a car length.

18

Q. At that point was the red car still moving or had it stopped?

20

A. No. It was still moving.

21

Q. Did the distance between your car and the red car continue to shorten after that point?

24

A. Not enough to make me happy. I like a lot of room between cars.

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Q. I understand. In other words, the first
time you say you put your foot on the brake,
did the distance between your car and the
red car, did they get closer?

3

A. Yes.

4

Q. When you realized you were getting closer,
did you put more force on your foot pressing
down on the brake?

5

A. Yes.

6

Q. What happened, if anything, when you did
that?

7

A. It slowed, but not good enough for my
feeling.

8

Q. At any time before --

9

MR. GIANNINI:

10

Withdrawn.

11

Q. Eventually there was a contact between the
front of your vehicle and the rear of the
red vehicle?

12

A. Yes.

13

Q. At any time before that did you see the red
car come to a stop?

14

A. Not a stop, no. It was always in front of
me.

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Q. Did you see it change its speed or decrease
its speed?

4

A. I think it changed its speed because it was
there.

6

Q. When you say it changed its speed did it go
slower or faster?

8

A. Slower.

9

Q. When you saw it change its speed to a slower
speed is that when you put more force on the
brake?

12

A. Yes. The more I saw it in front of me the
more I applied the brake.

14

Q. As you did that was there -- did anything
happen with respect to your vehicle?

16

A. It stopped a little bit, but not -- it just
kept going slower. Like I say, there was
the incline, so I could feel the momentum of
the hill.

20

MR. O'SHAUGHNESSY:

21

Indicating the downward direction.

22

MR. GIANNINI:

23

Q. When you say in -- (interrupted)

24

A. Down the hill. It goes like this and goes
like that and it gets more elevation to it,

25

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it gets more momentum (indicating).

3

MR. O'SHAUGHNESSY:

4

Indicating cresting over a hill and

5

then going down.

6

MR. GIANNINI:

7

Q. If I understand you correctly before, there
came a time when you put more force on the
brake; correct?

10

A. Uh-huh.

11

Q. Yes?

12

A. Yes.

13

Q. At the time that you did that, what was the
red car doing ahead of you?

15

A. It was just going.

16

Q. It was moving?

17

A. You know, it was near me. It had to be
moving. It was there. I don't know how to
describe it.

20

Q. I'm just trying to find out -- (interrupted)

21

A. It didn't stop.

22

Q. Let me ask you this question --
(interrupted)

24

A. Like I said, is it didn't -- (interrupted)

25

Q. Let me ask you this question: At any time

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did you see the red car come to a stop?

3

A. Dead stop, no.

4

Q. When you applied the brake more forcefully as you described before, did you press down as hard as you could?

7

A. I stomped on them.

8

Q. You stomped on them?

9

A. Yes.

10

Q. Does that mean you continually had your foot pressing down on the brake?

12

A. Yes.

13

Q. What happened, if anything?

14

A. I hit her.

15

Q. Your vehicle did not come to a stop?

16

A. No.

17

Q. Let me rephrase that question. Did your vehicle come to a stop before the contact with the red vehicle?

20

A. No.

21

Q. How would you describe the impact between your vehicle and the red vehicle?

23

A. Loud bang and she pulled over to the side.

24

Q. Was it a heavy impact or medium impact? How would you describe it?

25

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A. To me it sounded very heavy.

3

Q. When you say she pulled over to the side,
you are talking about the operator of the
red vehicle?

4

A. Uh-huh.

5

Q. Yes?

6

A. Yes.

7

Q. Which side did she pull over?

8

A. To the driver's side.

9

Q. So she went further into the roadway?

10

A. Yes.

11

Q. Did you see what happened to that red
vehicle, if anything, when she did that?

12

A. She kept going and I kept going.

13

Q. How far did your vehicle travel after the
contact?

14

A. I don't know.

15

Q. Do you know how far the red car traveled?

16

A. When it happened I said wait, we have to
stop. She had pulled out or whatever
happened and I kept after her. When I saw
her car I stopped. I pulled my car over.

17

Q. Eventually the red car came to a stop
somewhere on Route 32?

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A. Yes. When they took me out of the car. I
3 didn't move.

4

Q. What hospital did you go to?

5

A. Benedictine in Kingston. Like I said, I was
6 rooted to that spot.

7

Q. Before the contact occurred and you started
8 to apply your brake as you described, do you
9 recall immediately before you began to apply
10 the brake what speed you were traveling at?

11

A. About 45 or 50. Approximately from what I
12 remember.

13

Q. Can you tell me if the speed of your vehicle
14 changed as a result of you applying the
15 brake at any time before the contact?

16

A. Not enough.

17

Q. What do you mean not enough?

18

A. I applied the brake, but to me I just didn't
19 like what was going on. I wanted to do
20 better than that. It didn't.

21

Q. Can you tell me if it changed speed at all
22 as a result of you applying the brake?

23

A. Truthfully, I don't know. I think it did,
24 but not enough to make me happy.

25

Q. Did you -- (interrupted)

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2 A. No.

3 Q. Did you ever have any other conversations
4 with the driver of the red car?

5 A. No.

6 MR. GIANNINI:

7 Thank you very much.

8 MR. KONDULIS:

9 I have just a few questions.

10 EXAMINATION BY MR. KONDULIS:

11 Q. If I understand you correctly, at the time
12 there was the contact in front of your
13 vehicle and the rear of the red car, was the
14 red car still moving -- was it stopped or
15 moving?

16 A. Moving, I guess.

17 Q. At the time of that contact between the
18 front of your vehicle and the rear of the
19 red car, could you estimate how fast your
20 vehicle was moving at that point, the speed
21 of your vehicle?

22 MR. O'SHAUGHNESSY:

23 Do you have an approximation?

24 MR. KONDULIS:

25 Q. Do you know?

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A. Maybe 40.

3

Q. At the time that contact took place with the front of your vehicle and the rear of the red car, was that white truck still in the area?

7

A. I didn't -- I was busy concentrating on the red car because she was in front of me.

9

Q. You mentioned a white truck before.

10

A. To me the white truck was gone. All I saw was her car. When I hit it I saw her move and then the road was empty.

13

Q. Can you estimate approximately for how long you had been traveling behind the red car?

15

MR. O'SHAUGHNESSY:

16

From the time she first saw it?

17

MR. KONDULIS:

18

Yes.

19

Q. From the time you first saw it until the time the actual contact took place?

21

A. I don't remember when I first saw it. It was quite a distance.

23

Q. While you were traveling behind the red car, were you -- was your vehicle always directly behind the red car or were there other cars